IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6983 OF 2005

WITH
CIVIL APPLICATION NO.3245 OF 2005
WITH
CIVIL APPLICATION NO.83 OF 2006

Madhukar Maruti Karpe & Ors.....Petitioners

Versus

The Goods Transport Labour Board,
Mumbai & Ors. .....Respondents

Mr. S.P. Kadam, for the Petitioners.
Mrs. L.S. Desai, i/b. Pallavi Divekar, for Respondent No.1.
Mr. P.P.Kakade AGP for respondent No.3.
Mr. S.S. Pakale, for Applicant in C.A. 3245 of 2005
Mrs. Bharati Patil for Applicant in C.A. 84 of 2006

CORAM: F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.
DATE : 13th January,2006

P.C.:

. Rule. Heard forthwith. The petition and the Civil Applications can be heard and disposed of together. For the view to be taken it is not necessary to state the facts in detail.

2, There were initially two tolies 103 and 698 which were registered and allotted to the establishment as set out in the petition. Andheri and Bhiwandi establishments were allotted toli Nos. 103 and 698. Subsequently one more establishment came to be set up at Ulhasnagar in respect of which Toli No.1073 was registered. Akash Trsnsport Services which had establishment at Andheri also commenced one more establishment

at Ulhasnagar. It is the contention of the petitioners who are the members of the toli Nos. 103 and 698 that in terms of the resolution of the Board they should have been allotted to do the work in the said establishment.Instead of doing so the respondent Board has registered a new toli being Toli No.2262 sometime in August, 2005. It is their grievance that this could not have been done.

3. The Intervenor in Civil Application No.3245 of 2005 contends that their toli No.1073 was registered at Ulhasnagar and it is they who are to be allotted work in the establishment of Akash Trnsport Servaices.

4. A reply has been filed on behalf of the board. It is their contention that Toli Nos. 103 and 698 were earlier asked to work at Ulhasnagar which they did not do. It is further submitted by learned Counsel at the bar that workers of toli No.1073 also claim right to work, however, considering the fact that since the year 2002 the 7 unregistered workers now working with toli No.2262 were doing the work, the Board took a decision to allot them the work in the establishment of Akash Transport Services at Ulhasnagar.

5. Considering these facts in our opinion and considering the grievance by the members of the petitioner who are members of toli Nos. 103 and 698 that they were not heard before toli No.2262 was registered the ends of justice would be met if the following directions are issues:-

(1) For the present we do not interfere with the registration of Toli No.2262 who will continue with the work till such time the Board takes a decision as set out hereinafter.

(2) The Board to hear the representations of Toli Nos.103, 698, 1073 as also newly registered Toli No.2262 and after hearing them to pass appropriate orders based on the resolutions and other material which are available to them. If the Board comes to the conclusion that work has to be allotted either to toli Nos.103, 698 and/or 1073 then in that event to cancel the registration of toli No.2262. But this will only be done after considering the entirety and totality of the material which is available to the Board. The entire decision to be taken within a period of eight weeks.

(3) Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)